

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,  
Plaintiff,

v.

THE PRICELINE GROUP INC., et al.,  
Defendants.

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Civil Action No. 15-cv-00137-LPS

JURY TRIAL DEMANDED

**DECLARATION OF DANIEL PRATI IN SUPPORT OF DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT OF NONINFRINGEMENT OF U.S. PATENT 5,961,601 AND  
MOTION TO EXCLUDE DR. SCHMIDT'S OPINIONS (DAUBERT)**

I, Daniel Prati, declare as follows:

1. I am over eighteen years of age, have personal knowledge of the matters set forth herein, and declare that each of them is true and correct. I am a member of Norton Rose Fulbright, counsel of record in this action for Defendants Priceline.com LLC, the Priceline Group, KAYAK Software Corp., and OpenTable, Inc.

2. Attached hereto as Exhibit 1 is a true and correct copy of a summary prepared by Defendants of Dr. Schmidt's opinions regarding the alleged infringement of the '601 Patent as well as of a summary of Defendants' noninfringement arguments.

3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the Deposition of Dr. Schmidt.

4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from Dr. Olivier's Rebuttal Report regarding non-infringement the '601 Patent.

5. Attached hereto as Exhibit 4 is a true and correct copy of excerpts from Dr. Schmidt's Opening Report regarding alleged infringement of the '601 Patent.

6. Attached hereto as Exhibit 5 is a true and correct copy of the response to the Integrated Listing Detail service (IBM-PCLN00082188 at 2016-10-29T19:33:08.535Z) cited in exhibit VII.A, paragraph 153 of Exhibit 4 (Dr. Schmidt's Opening Report), with highlighting added.

7. Attached hereto as Exhibit 6 is a true and correct copy of the Institution Decision in IPR2016-00614, Paper 12.

8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the August 29, 2016 *Markman* hearing Transcript in this proceeding.

9. Attached hereto as Exhibit 8 is a true and correct copy of U.S. Patent No. 5,961,601.

10. Attached hereto as Exhibit 9 is a true and correct copy of excerpts from Dr. Schmidt's Rebuttal Report regarding validity the '601 Patent.

11. I declare under penalty of perjury under the laws of the United States of America that the forgoing is true and correct.

Executed this 13<sup>th</sup> day of February, 2017, Houston, TX.

/s/ Daniel Prati  
Daniel Prati